

Council Meeting

Agenda

Date: Wednesday 3 August 2022

Time: 5.30pm

**Venue: Civic Centre (Council Meeting Room)
13 Mair Street, Benalla**

The *COVID-19 Omnibus (Emergency Measures) Act 2020* enables councils to hold meetings electronically.

Members of the public are encouraged to watch the live broadcast of the meeting at **www.benalla.vic.gov.au**

Any person wishing to participate in Question Time or Public Submissions in accordance with Rule 7.2 and 7.3 of the *Governance Rules 2020* should contact the Council by emailing council@benalla.vic.gov.au or telephoning Governance Coordinator Jessica Beaton on (03) 5760 2600.

In accordance with Rule 6.4 of the *Governance Rules 2020* an audio recording will be made of the proceedings of the meeting.

PO Box 227
1 Bridge Street East
Benalla Victoria 3671
Tel: 03 5760 2600
council@benalla.vic.gov.au

Contents

1. Opening and Acknowledgment of Country	3
2. Statement of Commitment	3
3. Disclosures of Conflict of Interest	4
4. Apologies	4
5. Confirmation of the Minutes of the Previous Meeting	5
6. Public Question Time	5
7. Petitions	7
8. Record of Committees	7
8.1 Finance and Operations Committee	7
8.2 Planning and Development Committee	7
8.3 Assemblies of Councillors, Advisory and External Committees	9
Officer Reports	11
9.1 Authorisation of Signing and Sealing of Documents	11
9.2 Benalla Art Gallery Acquisition Trust Fund	13
9.3 Mayor and Councillors' Attendance at Committees and Civic Functions	15
9.4 Council Actions Pending	19
10. Reports by Councillors	21
11. Notices of Motion	21
12. Notices of Rescission Motion	21
13. Urgent Business	21
14. Confidential Business	23
14.1 Recommendations from the Chief Executive Officer Employment and Remuneration Committee	25
14.2 Confidential Report by Councillors	29
14.3 Confidential Council Actions Pending	29
15. Reopening of the meeting to the public	31
16. Closure of the meeting	31

Agenda

Chair Councillor Bernie Hearn (Mayor)

Councillors Councillor Danny Claridge
Councillor Peter Davis
Councillor Don Firth
Councillor Punarji Hewa Gunaratne
Councillor Justin King
Councillor Gail O'Brien

In attendance Dom Testoni Chief Executive Officer
Robert Barber General Manager Corporate
Jessica Beaton Governance Coordinator

1. Opening and Acknowledgment of Country

The chair will recite the following Acknowledgement of Country.

We, the Benalla Rural City Council, acknowledge the traditional custodians of the land on which we are meeting. We pay our respects to their Elders past and present and to Elders from other communities who may be here today.

2. Statement of Commitment

The Councillors will recite the following Statement of Commitment:

I declare,

that as a Councillor of Benalla Rural City

I will undertake on every occasion

to carry out my duties in the best interests of the community

and that my conduct shall maintain the standards of our Councillor Code of Conduct

so that I may faithfully represent

and uphold the trust placed in the Council

by the people of Benalla and District.

Governance Matters

This Council Meeting is conducted in accordance with the *Local Government Act 2020* and the Benalla Rural City Council *Governance Rules 2020*.

Recording of Council Meetings

In accordance with the *Governance Rules 2020* clause 6.4 meetings of Council will be audio recorded and made available for public access, with the exception of matters identified as confidential items in the agenda.

Behaviour at Meetings

Members of the public present at a meeting must remain silent during the proceedings other than when specifically invited to address the Committee.

The Chair may remove a person from a meeting for interjecting or gesticulating offensively after being asked to desist, and the chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.

The Chair may call a break in a meeting for either a short time, or to resume another day if the behaviour at the Council table or in the gallery is significantly disrupting the Meeting.

3. Disclosures of Conflict of Interest

In accordance with the *Local Government Act 2020*, a Councillor must declare any Conflict of Interest pursuant to Section 130 of the Act in any items on this Agenda.

At the time indicated in the agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

- the item for which they have a conflict of interest;
- whether their conflict of interest is general or material; and
- the circumstances that give rise to the conflict of interest.

Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor must indicate to the Meeting the existence of the conflict of interest and leave the Meeting.

4. Apologies

Recommendation:
That the apology/ies be accepted and a leave of absence granted.

5. Confirmation of the Minutes of the Previous Meeting

The minutes have been circulated to Councillors and posted on the Council website www.benalla.vic.gov.au pending confirmation at this meeting.

Recommendation:

That the Minutes of the Council Meeting held on Wednesday 29 June 2022 be confirmed as a true and accurate record of the meeting.

6. Public Question Time

The Council's *Governance Rules 2020* provide the opportunity for members of the public to lodge written questions of broad interest to the Council and the community.

Questions of the Council will not be allowed during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the *Local Government Act 2020* (the Act).

A question may be on any matter except if it:

- is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
- relates to confidential information as defined under the Act;
- relates to the personal hardship of any resident or ratepayer; or
- relates to any other matter which the Council considers would prejudice the Council or any person.

No more than two questions will be accepted from any person at any one meeting.

All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.

Like questions may be grouped together and a single answer provided.

The Chair may nominate a Councillor, the Chief Executive Officer or another member of Council staff to respond to a question.

Recommendation:

That the question(s) and answer(s) be noted.

This page intentionally left blank

7. Petitions

8. Record of Committees

8.1 Finance and Operations Committee

The recommendations of the Finance and Operations Committee meeting held on Wednesday 27 July 2022 are attached as **Appendix 1**.

Recommendation:

That the recommendations of the Finance and Operations Committee meeting held on Wednesday 27 July 2022 be adopted.

8.2 Planning and Development Committee

The recommendations of the Planning and Development Committee meeting held on Wednesday 27 July 2022 are attached as **Appendix 1**.

Recommendation:

That the recommendations of the Planning and Development Committee meeting held on Wednesday 27 July 2022 be adopted.

This page intentionally left blank

Business**1. Public Question Time**

No questions were submitted to the meeting.

2. Presentation: Benalla Centrelink Campaign

Hamish McPherson from the Benalla Centrelink Campaign presented on the closure of Benalla Centrelink and the National Disability Insurance Agency (NDIA) offices.

Cr Hearn / Cr Claridge:

- 1. That the Council reach out to Centrelink to send a representative to present to the Council.**
- 2. That the Council continue to advocate to the Federal Government for the re-opening of the Benalla Centrelink and National Disability Insurance Agency (NDIA) offices.**

Carried

3. 2022/2023 Community Sponsorship Program

The report presented funding applications under the 2022/23 Community Sponsorship Program.

Cr Hearn / Cr O'Brien:

That \$500 grants from the 2022/2023 Community Sponsorship Program be allocated to Tomorrow Today Education Foundation, Benalla All Blacks Football Netball Club, Better Benalla Rail Inc. and Swanpool Community Cinema.

Carried

4. 2022 Local Government Community Satisfaction Survey

The report presented results from the *2022 Local Government Community Satisfaction Survey*.

Cr Gunaratne / Cr Claridge:

That the report be noted.

Carried

5. Benalla Rural City Council Governance Rules 2020 Update

The report discussed the revised *Governance Rules 2020*.

It is noted that Councillor Gunaratne proposed the following amendments to the revised *Governance Rules 2020*:

- That the “Council resolution” definition, as detailed below, be included in section 1.5 *Definitions* to ensure transparency.

Council Resolution	The resolution of the Council (Council by resolution) means the following: (a) a resolution made at a Council meeting; (b) a resolution made at a delegated committee meeting under delegation.
---------------------------	---

- That point four under section 3.3.6 *Date, time and place of Council Meetings* be amended to read “Council by resolution may determine certain meetings must be held solely as face-to-face (in-person) meetings” to ensure consistency.
- That the time frame in point 10 under section 3.2.8 *Attendance, Apologies and Absences* be reduced to six hours. Point 10 to be amended to read “A councillor must inform the Mayor in writing six hours prior to the commencement of the meeting that they will be attending online. The Mayor must similarly inform the CEO and, if applicable, the meeting chair.”

Cr Gunaratne / Cr Claridge:

That the Finance and Operations Committee, acting under its delegated authority of the Council, resolve:

1. That the revised *Governance Rules 2020* (as amended) be endorsed for public exhibition.
2. That the *Governance Rules 2020* be considered for adoption at the Council Meeting on Wednesday 31 August 2022.

Carried

Business

1. Public Question Time

No questions were submitted to the meeting.

2. Planning Application No. P0021/22 – Multi-Lot Subdivision (43 lots), and the creation of an access to a Transport Zone 2, Sydney Road, Benalla

The report assessed a planning application (P0021/22) received for a multi-lot subdivision (43 lots) and the creation of an access to a Transport Zone 2 at PC370332, Sydney Road, Benalla.

It is noted that Gary Steigenberger from Christ Smith and Associates made a submission and spoke in support of the planning application.

Cr Gunarante / Cr Hearn:

That Council having caused notice of Planning Application No. P0021/22 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to grant a permit under the provisions of the Benalla Planning Scheme in respect of the land known and described as PC370332, Sydney Road, Benalla, for a multi lot subdivision and the creation of an access to a Transport Zone 2, in accordance with the endorsed plans, with the application dated 11 February 2022 and subject to the following conditions:

- 1 The subdivision as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.**
- 2 Prior to the issue of a Statement of Compliance for each stage of the subdivision, the permit holder must undertake, or cause to be undertaken for that stage, full construction of all new access ways, drainage and related infrastructure as required by the conditions of this permit.**

All the works must conform to plans and specifications prepared at the expense of the applicant by a qualified Engineer, and endorsed by the Responsible Authority prior to commencement of construction. Unless otherwise agreed in writing, the Authority will only approve plans and specifications that comply with the most recent version of the Infrastructure Design Manual [IDM) published by the Local Government Infrastructure Design Association, and with all relevant permit conditions.

- 3 Before certification, or any other such time as agreed by the Responsible Authority, streets within that stage must be named to the satisfaction of the responsible authority in accordance with the Guidelines for Geographic Names 2010.
- 4 The subdivision and staging as shown on the endorsed plan(s) and/or described in the endorsed documents must not be altered or modified (for any reason) except with the prior written consent of the Responsible Authority.
- 5 Prior to the issue of a Statement of Compliance for the subdivision, all planning conditions and all other requirements of the responsible authority and the relevant referral authorities must be completed, or satisfactorily provided for, to the satisfaction of the Responsible Authority and the relevant referral authorities.
- 6 No restriction of title may be registered on the subject land unless otherwise approved in writing by the Responsible Authority.
- 7 Prior to the issue of a Statement of Compliance, the Applicant or Owner must provide land or pay to the Council a sum equivalent to five per cent of the *undeveloped site value* of all land in the subdivision in lieu of open space.
The Applicant or Owner must request Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation.
- 8 The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, drainage, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
- 9 All existing and proposed easements and sites for existing and required utility services, drains and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*.
- 10 The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

- 11 The owner of the land must enter into an agreement with:**
 - (a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
 - (b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
- 12 Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**
 - (a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
 - (b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
- 13 Prior to certification of the plan of subdivision, an acoustic report prepared by a suitably qualified person must be submitted to the Responsible Authority. The acoustic report must detail any measures required to reduce potential noise from adjoining commercial and industrial properties to the residential subdivision in accordance with relevant EPA requirements.**
- 14 Prior to Statement of Compliance for each stage of the subdivision, any recommendations outlined within the acoustic report must be undertaken and completed to the satisfaction of the Responsible Authority.**
- 15 Prior to Statement of Compliance for each stage of the subdivision, the owner of the land must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 to provide that the owner of the land acknowledges that the:**
 - a) Land to the east and west of the site contains commercial and industrial uses that are established and existing uses in the area; and**
 - b) Current and future use of the commercial and industrial uses may emit odour, dust and generally impact on the amenity of the area, land to which this planning permit applies and patrons/occupants of the subject land allowed under this planning permit.**

All costs associated with the preparation, checking and registration of the agreement must be borne by the owner/developer.

General Engineering

- 16 Prior to the issue of a Statement of Compliance, the applicant must undertake, or cause to be undertaken, full construction of all new access way, footpaths, drainage and related infrastructure. All these works must conform to plans and specifications prepared at the expense of the applicant by a qualified engineer, and approved by the Responsible Authority before construction begins.**

Earthworks

- 17 Prior to the issue of a statement of compliance for each stage of the subdivision the permit holder must satisfy the Responsible Authority that:**
- (a) where an existing dam, basin or other water body is to be filled, the area has been drained and desilted in accordance with IDM standards before filling commences.**
 - (b) any fill required for finished surface levels to comply with drainage, building, parking and/or access requirements has been selected, placed and compacted in layers, in accordance with IDM standards.**
 - (c) any batters formed, or retaining walls constructed, whose individual or cumulative height above or below ground level in adjacent properties exceeds one meter, and/or any soil stabilisation measures, have been designed by, and constructed under the supervision of, a qualified engineer, in accordance with IDM standards.**
- 18 Prior to the issue of a Statement of Compliance the applicant must satisfy the Responsible Authority that any fill required to ensure that the finished surfaces of the lots must be placed and compacted in accordance with the requirements of Clause 15.3 of the IDM.**
- 19 Prior to the issue of a Statement of Compliance the applicant must satisfy the Responsible Authority that any fill required to ensure that the finished surfaces of the lots are located 300mm above the one per cent AEP flood. The 100-year ARI (one per cent AEP) flood levels have been declared for this area under provisions of the Water Act, 1989. Details of the proposed depth of flooding and flow velocities within roadways shall be provided to the satisfaction of the Responsible Authority to ensure public safety can be achieved.**
- 20 All filling over 300mm in depth on the site must be supervised, carried out, completed and recorded in accordance with:**
- (a) the provisions of any Construction Management Plan; and**
 - (b) Australian Standard AS3798 2007 (Guidelines on earthworks for commercial and residential developments) to the satisfaction of the Responsible Authority.**

- 21 Before the issue of a Statement of Compliance unless otherwise agreed in writing by the Responsible Authority, compaction test results and a report certifying that the filling has been properly carried out shall be provided to the satisfaction of the responsible authority. The land must be filled in a manner that does not:**
- (a) cause a nuisance on nearby land through the emission of dust; or**
 - (b) adversely affect the drainage of adjacent land through sediment and the like.**
 - (c) affect overland flow paths.**

Drainage

- 22 Before construction begins for each stage of the subdivision, drainage plans and computations, prepared in accordance with IDM procedures and criteria, must be submitted to, and approved by, the Responsible Authority.**
- 23 Prior to the issue of a statement of compliance for each stage of the subdivision the permit holder must satisfy the Responsible Authority that:**
- (a) a legal point of discharge, connected to the external drainage network in accordance with IDM standards and without reducing the flow capacity or structural integrity of that network, has been established within the boundary of each Lot.**
 - (b) all stormwater runoff originating from or transferred through each Lot in a 20 per cent AEP rainfall event will be collected and conveyed by underground pipes to a legal point of discharge.**
 - (c) all stormwater runoff originating from or transferred through each Lot in a one per cent AEP rainfall event will be collected and conveyed to the proposed stormwater detention basin where possible, without adversely affecting any person, infrastructure or natural features in or beyond the Lot.**
 - (d) measures to improve drainage in the surrounding area have been considered, including measures to assist in and making provision for draining all external catchments and having no adverse effect on surrounding properties as a result of the development.**
 - (e) the finished surface level within all building envelopes associated with each Lot will be above the peak water level in nearby drainage reserves, waterways, floodways or water bodies in a one per cent AEP rainfall or flood event.**
 - (f) any necessary easements have been created to facilitate future connection to, and maintenance of, drainage infrastructure serving more than one Lot or property, and that no damage to the infrastructure contained in existing easements has been occasioned by the relevant construction processes and activities.**

- 24** Prior to the issue of a Statement of Compliance, the applicant must satisfy the Responsible Authority that, where the proposed stormwater outlet from the basin discharges to an open channel, the integrity of the outfall point has been secured, the kinetic energy of the outflow reduced to levels acceptable to the Authority, the receiving channel protected against erosion, and the flow capacity of the channel is checked and is fit for purpose.

Water Sensitive Urban Design

- 25** Before construction begins for each stage of the subdivision, the applicant must satisfy the Responsible Authority that appropriate measures will be taken to enhance the quality of stormwater discharged from the developed site, in accordance with IDM procedures and criteria.

On-Site Detention

- 26** Before construction begins for each stage of the subdivision the permit holder must satisfy the Responsible Authority that:
- (a) sufficient on-site detention will be provided to limit the peak discharge from the developed site in a one per cent AEP rainfall event to the corresponding pre-development level for each stage as recommended by the IDM.
 - (b) any in-ground infrastructure intended to collect surface runoff and limit the resultant outflow will make provision to protect the relevant control device from blockage so far as reasonably practicable, and to mobilise an alternative flow path should blockage be experienced or pump failure occur.

Road Design

- 27** The permit holder must engage a qualified civil engineer to design the roads and intersections serving the development in accordance with IDM standards. The plans must be submitted to and approved by the Responsible Authority prior to the commencement of works. The plans must show to the satisfaction of the Responsible Authority:
- The provision of a 2.5m wide shared footpath within the 20m wide road reserve linking with the bike path in Sydney Road.
 - The provision of a 2.5m wide shared footpath within the pedestrian reserve linking the subdivision with the future reserve area to the west of the site.
 - The provision of a speed calming device in the council road reserve prior to approaching the pedestrian crossing at a location to be determined by the satisfaction of the Responsible Authority.
- 28** All roads within the new subdivision and the intersections with Sydney Road must be provided with public lighting in accordance with the requirements of Australian Standard 1158.1 to the satisfaction of the Responsible Authority. New lighting should be located outside the Clear Zones wherever possible, and meet the standards for Category V or Category P lighting, as appropriate.

- 29** Prior to the issue of a statement of compliance for each stage of the subdivision the permit holder must satisfy the Responsible Authority that:
- a)** all roads and intersections have been constructed in accordance with the approved designs and IDM standards.
 - b)** all existing or proposed roads within the subject property have been provided with appropriate high-efficiency street lighting in accordance with IDM standards and AS1158.
- 30** Prior to the issue of Statement of Compliance for the relevant stage all streets and intersections must be designed in accordance with the recommendations outlined in the Traffic Impact Assessment prepared by Traffic Works dated 31/1/22 and where appropriate be designed in accordance with AS1742.13-2009 – Local Area Traffic Management.

Property Access

- 31** Prior to the issue of a statement of compliance for each stage of the subdivision as per section 12.9 of Councils IDM the permit holder must satisfy the Responsible Authority that a vehicle crossing providing each lot with safe and convenient access to and from a suitable public road has been designed, constructed, sealed and drained in accordance with IDM standards, to the satisfaction of the Responsible Authority. Vehicle crossings are not generally required to be constructed at the time of development where mountable or semi mountable or modified semi mountable kerb and channel is used, as these may be constructed during later building works when the final preferred location is known.
- 32** Prior to the issue of a statement of compliance for Stage 1 of the subdivision, the permit holder must satisfy the Responsible Authority that a gravel maintenance access driveway to and around the drainage basin / reserve has been constructed in accordance with IDM standards and to the satisfaction of the Responsible Authority.

Landscaping

- 33** Before construction begins, a detailed landscape plan, must be prepared by a person suitably qualified or experienced in landscape design, and must be submitted to and approved by Council.

The plan must show:

- (a)** New plantings to be provided in any road reserves and municipal reserves;
- (b)** A detailed planting schedule of all proposed trees, shrubs and ground-covers;
- (c)** Paths, paved areas, structures and street furniture;
- (d)** Detailed planting and construction layout drawings, including site contours;

- (e) Any changes to existing levels, including elements such as retaining walls;
- (f) Certified structural designs or building forms where required; and
- (g) Removal of existing infrastructure or stockpiles and weed eradication.
- (h) Fencing of all Reserves to be handed over to Council.

Prior to the issue of a statement of compliance for each stage of the subdivision all works shown on the landscape plan for that stage must be completed to the satisfaction of Council.

- 34 The landscaping works shown on the approved landscape plan for any stage must be carried out and completed to the satisfaction of the responsible authority prior to the issue of a Statement of Compliance for that stage or any other time agreed in writing by the responsible authority.

Staged Development

- 35 Where the permit holder intends to complete a development in stages, plans and specifications for each stage, including any temporary works required to facilitate traffic movements once that stage is complete, must be submitted to and approved by the Responsible Authority before construction begins, and the permit holder must lodge with the Authority a bond sufficient to cover the full costs of upgrading any temporary works associated with the stage in question.
- 36 Prior to the issue of a statement of compliance for each stage of the subdivision;
- (a) should any drainage infrastructure essential to the operation of the completed stages be located outside the boundaries of those stages, the permit holder must satisfy the Responsible Authority that temporary easements must be provided so that the Authority has appropriate legal access to the infrastructure in question.
 - (b) should any road terminate before the location of the permanent court bowl on completion of the stage, the permit holder must satisfy the Responsible Authority that a temporary court bowl has been designed and constructed in accordance with IDM standards, and arrangements must be made to ensure that the adjacent permanent sealed road surfaces are not damaged.

Within two years of the issue of a statement of compliance for each stage of the subdivision, unless development of the property beyond that point has commenced, the permit holder must satisfy the Responsible Authority that any temporary court bowl remaining from a previous stage has been designed, constructed and sealed in accordance with IDM standards.

Infrastructure Transferred to Council

- 37 All civil infrastructure works, other than landscape elements, created by the development, and passing into the ownership and control of Council, must, following practical completion of the works, be maintained by the applicant in good condition and repair for a period of three months, with any subsequent defects being corrected as they become evident for a further period of nine months.**
- 38 All landscape elements, including vegetation integral to the operation of WSUD devices, created by the development, and passing into the ownership and control of Council, must be maintained by the applicant in good condition and repair, with all defects corrected, for a period of at least 24 months, including two complete summers, from practical completion. During this period, any dead, diseased or damaged (other than by intentional action) plants and/or landscaped areas must be repaired or replaced as soon as reasonably possible, rather than upon completion of the maintenance period.**
- 39 Prior to the issue of a Statement of Compliance for each stage of the subdivision:**
- (a) an itemised statement of the civil construction costs for the current stage, excluding GST, must be submitted to and approved by the Responsible Authority.**
 - (b) the permit holder must provide Council with a maintenance bond equal to 5 per cent of the approved civil construction costs for the current stage. This bond will be held by Council until any and all defects notified to the applicant before or during the maintenance and defects liability period have been made good to the satisfaction of Council.**
 - (c) the permit holder must pay to Council plan checking fees equal to 0.75 per cent , and works supervision fees equal to 2.5 per cent , of the approved civil construction costs for that stage.**
 - (d) the permit holder must arrange for CCTV verification of all underground drainage assets which will be handed over to Council at the conclusion of that stage, and must supply the results of that verification to Council at the time, and in the format, specified in the IDM.**
 - (e) the permit holder must prepare and submit as-constructed drawings covering all civil construction works associated with that stage to Council in PDF and DWG or DXF format, geo-referenced to Zone 55, GDA 2020 or the current survey map base standards at the time and, to the satisfaction of the Responsible Authority.**

Construction

- 40 Before construction begins for each stage of the subdivision a Site Management Plan for that stage of the subdivision must be submitted to and approved by the Responsible Authority, and effective measures consistent with the Plan must be taken to:**
- (a) Implement effective traffic management and environmental controls;**
 - (b) Establish and maintain safe construction vehicle access to the site;**
 - (c) Maintain vehicle and machinery hygiene;**
 - (d) Avoid the spread of soil-borne pathogens and weeds;**
 - (e) Minimise erosion, sedimentation and contamination;**
 - (f) Reduce the impact of noise, dust and other emissions during construction;**
 - (g) Prevent mud, dirt, sand, soil, clay or stones from entering the drainage system;**
 - (h) Avoid having such materials deposited on public land by construction vehicles;**
 - (i) Establish and maintain all recommended Tree Protection Zones.**
- 41 During construction, no excavated or construction materials may be placed or stored outside the site area or on adjoining road reserves, except where the materials are required for any road or footpath construction works in such reserves which are required as part of this permit.**
- 42 As soon as practicable after construction has been completed, all areas disturbed in the course of the works must be restored to their original condition, to the satisfaction of the Responsible Authority.**
- 43 All works must be carried out generally in accordance with the measures set out in the Site Management Plan approved by the Responsible Authority.**
- 44 All construction activities associated with the subdivision must be carried out in such a manner so as to not create nuisance to the satisfaction of the Responsible Authority.**

Country Fire Authority**45 Hydrants**

Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

- (a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.**

- (b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note -CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site www.cfa.vic.gov.au

46 Roads

Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

- (a) The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12 per cent) (7.1 degree) entry and exit angle.
- (b) Curves must have a minimum inner radius of 10 metres.
- (c) Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- (d) Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

North East Water

- 47 The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed, and other requirements to be met, necessary for the provision of reticulated water supply to each of the lots and proposed dwellings, within the development, at the owners cost, to the satisfaction of North East Water, provided:

- (a) where the development is staged, a number of agreements may be required for separate stages; and
- (b) each agreement must be in accordance with North East Water policy and requirements applying at the time of entry into the relevant agreement.

- 48 The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed and other requirements to be met, necessary for the provision of reticulated sewerage services to each of the lots and proposed dwellings, within the development, at the owners cost, to the satisfaction of North East Water, provided:

- (a) where the development is staged, a number of agreements may be required for separate stages; and
 - (b) each agreement must be in accordance with North East Water policy and requirements applying at the time of entry into the relevant agreement.
- 49 Where the development (including any subdivision) occurs in stages the availability of water supply and sewerage services may be delayed having regard to NEW system capacity, conditions in relation to which shall be detailed in the relevant agreement for water supply and/or sewerage services.
- 50 The works required to be constructed for the provision of water supply and sewerage services must include, where so required by and to the satisfaction of, North East Water:
 - (a) works external to the subject land to allow connection to the North East Water water supply and sewerage systems;
 - (b) the vesting at no cost of such of those works required by North East Water, to North East Water (“Developer Works”); and
 - (c) works to ensure compatibility with and allowance for, other developments being served through existing and future North East Water infrastructure, including the Developer Works
 - (d) internal or private works within the development, in accordance with applicable plumbing standards and providing adequate pressure and service levels.
- 51 Any modification to the development approved under this permit, including an increase or decrease in the number of dwellings or lots (or both) or the inclusion of additional land, requires the further consent of and may be subject to modified conditions, to the satisfaction of, North East Water.
- 52 Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water’s policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.
- 53 Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water’s policy for development charges applicable to sewers and disposal systems currently servicing the area in which the subject land is located.
- 54 The applicant must create easements to the satisfaction of and in favour of North East Water, over all existing and proposed sewerage facilities within the proposed subdivision.
- 55 The applicant must ensure that private water services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.
- 56 The applicant must provide easements through other land, to the satisfaction of North East Water, if such easements are considered necessary for the efficient and economic servicing of the subject land.

- 57 That the applicant pays applicable charges determined in accordance with North East Water's policy for development charges, applicable from time to time towards North East Water's sewers and disposal systems servicing the area to which the permit applies.
- 58 Where the subject land is developed in stages, the North East Water conditions will apply to any subsequent stage of the subdivision.
- 59 Where an easement created in favour of North East Water is located within a proposed road reserve in a future stage, prior to the certification of the plan of subdivision for that stage, the applicant must formally remove the easement from the title to the land.
- 60 North East Water's consent to the issue of a Statement of Compliance under the Subdivision Act 1988 is conditional upon completion of all works, and meeting all requirements set out in this permit and any relevant agreement with, North East Water.
- 61 The plan of subdivision for certification must be referred to North East Water in accordance with Section 8 of the Subdivision Act 1988.

Ausnet Services

- 62 The Plan of Subdivision submitted for certification must be referred to Ausnet Electricity Services Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.
- 63 The applicant must:
- Enter in an agreement with Ausnet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
 - Enter into an agreement with Ausnet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
 - Enter into an agreement with Ausnet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by Ausnet Electricity Services Pty Ltd.
 - Provide easements satisfactory to Ausnet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "Ausnet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing Ausnet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
 - Obtain for the use of Ausnet Electricity Services Pty Ltd any other easement required to service the lots.
 - Adjust the position of any existing Ausnet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.

- Set aside on the plan of subdivision Reserves for the use of Ausnet Electricity Services Pty Ltd for electric substations.
- Provide survey plans for any electric substations required by Ausnet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. Ausnet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- Provide to Ausnet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by Ausnet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- Ensure that all necessary auditing is completed to the satisfaction of Ausnet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Department of Transport

- 64 Only one access will be permitted from the subject land to Sydney Road, Benalla.
- 65 Prior to the certification of the plan of subdivision, a Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must show:
- a. Short Auxiliary Left Turn Treatment AUL(S) on Sydney Road at the site access.
 - b. The required works to ensure a Safe Intersection Sight Distance (SISD) of 214m is achieved.
- 66 Prior to the release of a statement of compliance, the applicant must construct the mitigating works in accordance with the approved Functional Layout Plan to the satisfaction of and at no cost to the Head, Transport for Victoria.

Permit Expiry

- 67 This permit will expire if one of the following circumstances applies:
- (a) Stage 1 of the plan of subdivision is not certified within 2 years of the date of this permit;
 - (b) Stage 2 of the plan of subdivision is not certified within 4 years of the date of this permit; or

- (c) Each stage of the plan of subdivision is not registered at Land Registration Services within 5 years of the certification of the respective stage.

The Responsible Authority may extend the time for the completion of part (a) and/or (b) if a request is made in writing before the permit expires or within six months afterwards.

General Notes

1. The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.
2. An asset protection permit is required prior to the commencement of any works on site.
3. Before undertaking any works that cross onto public land or roads, the permit holder must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.
4. This permit does not authorise the commencement of any demolition works. Before any such development may commence, the applicant must apply for and obtain appropriate building permit approval.

Department of Transport Notes

1. Separate 'detailed design' approval (fees and charges apply) and the specifications of these are required under the Road Management Act. For the purposes of this application the works will include provision of:
 - Short Auxiliary Left Turn Treatment AUL(S).
 - The required works to ensure a Safe Intersection Sight Distance (SISD) of 214m is achieved.
2. Please forward all the details to: nriw.ntheastern@roads.vic.gov.au
Further information regarding VicRoads' consent to work within the road reserve can be found at www.vicroads.vic.gov.au/business-and-industry/design-and-management/working-within-the-road-reserve

Carried

3. Planning Application No. P0041/22 – Display an Electronic Promotion Sign, 159-161 Bridge Street East, Benalla

The report assessed a planning application (P0041/22) for the display of an electronic promotion sign at 159-161 Bridge Street East, Benalla.

It is noted that Karl Staer from Melbourne LED made a submission and spoke in support of the planning application.

Cr Firth / Cr Hearn:

That Council having caused notice of Planning Application No. P0041/22 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to refuse to grant a permit under the provisions of the Benalla Planning Scheme in respect of the land known and described as 159-161 Bridge Street East, Benalla, for the display of an Electronic Promotion Sign in accordance with the endorsed plans, with the application dated 18 March 2022 on the following grounds:

1. The sign will not be in keeping with the existing neighbourhood character.
2. The sign fails to promote good urban design along an existing main road.
3. The sign will be out of scale with the existing built form on the site and surrounds.
4. The location of the sign will dominate the streetscape.

Carried

4. Amendment To Planning Application P0102/19 For A Solar Farm and Removal of Native Vegetation – 379 Goorambat-Chesney Road, Goorambat

The report assessed an amendment to planning permit application P0102/19 to use and develop a renewable energy facility (solar farm) and the removal of native vegetation at 379 Goorambat Chesney Road, Goorambat.

It is noted that the following persons made submissions on the item:

- Nathan Kelly from Neoen Australia spoke in support of the planning application amendment.
- Michael Frewin from Frewin Trees spoke in support of the planning application amendment.
- John Austin spoke against the planning application amendment.

Cr King / Cr Gunaratne :

That the Council grant a notice of decision to amend Planning Permit No. P0102/19 as follows:

39. Prior to the commencement of buildings and works a landscape screening plan which provides for landscaping or other treatments to reduce the visual impact of the solar farm to the surrounds must be submitted to and approved by the responsible authority. When endorsed the Landscape Screening Plan will form part of this permit.

The Landscaping Screening Plan must include:

- a) **The type of landscaping treatments to be proposed.**
- b) **A timetable for establishing and maintaining the landscaping.**
- c) **An increase in the width of vegetation screening around the perimeter of the site from 5 metres to 10 metres.**
- d) **The screen planting around the perimeter of the site must be completed prior to construction during a period with acceptable ground conditions as determined by a qualified landscaper.**
- e) **Planted seedlings must be forestry – or hyko – style seedlings and when matured must reach approximately 3 metres or higher.**
- f) **A watering regime.**
- g) **A ‘tree replacement’ plan whereby any deceased seedling must be identified within three months, then either replaced prior to October within the year of planting or during the next planting season, whichever can be achieved first.**
- h) **Weed management.**
- i) **Native shrubs that will reach a height of 1 – 1.5 metres when matured.**

The endorsed landscape screening plan must not be altered or modified without the written consent of the responsible authority.

Carried

5. Planning And Building Approvals – June 2022

The report detailed planning permit applications and building approvals for June 2022.

Cr Firth / Cr King:

That the report be noted.

Carried

6. Draft *Waste Services Policy* Review – Hearing of Submissions

The report presented submissions received on the revised *Waste Services Policy*.

Cr King / Cr Gunarante:

That submissions be received.

Carried

7. Draft *Regulatory Compliance and Enforcement Policy* Review

The report presented for consideration the reviewed and updated *Regulatory Compliance and Enforcement Policy*.

Cr Gunarante / Cr King:

- 1. That *Regulatory Compliance and Enforcement Policy* be adopted.**
- 2. That *Regulatory Compliance and Enforcement Policy* be reviewed in November 2026.**

Carried

8.3 Assemblies of Councillors, Advisory and External Committees

Under Council's *Governance Rules 2020* the Chief Executive Officer is required to provide a written record of the Assemblies of Councillors at a scheduled Council Meeting.

The record of Assemblies of Councillors since the report presented at the meeting on 29 June 2022 is attached as **Appendix 1**.

Copies of the Minutes from the following meetings have been provided to councillors under separate cover.

June 2022

2 June 2022	Lakeside Precinct Accessibility Access Working Group
6 June 2022	Benalla Local Safety and Traffic Liaison Committee
8 June 2022	Benalla Festival Advisory Committee Meeting
8 June 2022	Assembly of Councillors - Business Review
14 June 2022	Accessibility Reference Group

Recommendation:

That the report be noted.

This page intentionally left blank

Record of Assemblies of Councillors, Advisory and External Committees

June 2022

Lakeside Precinct Accessibility Access Working Group

3pm Thursday 2 June 2022, Civic Centre (Council Meeting Room)

Chair:	Councillor Bernie Hearn (Mayor)	Council Representative
Committee:	Sue Campbell OAM	Community Representative
	John Hanlon OAM	Community Representative
	Cheryl-Anne Menere	Community Representative
	David Moore	Community Representative
	Sheryle Stubbs	Community Representative
In attendance:	Adrian Gasperoni	Manager Assets and Infrastructure
	Briana Beggs	Administration Officer

Apologies: Nil**Conflicts of Interest disclosed:** Nil**Items discussed:**

1. Presentation of Proposed Plans
2. Onsite Discussion
3. General Business

Benalla Local Safety and Traffic Committee

2pm Monday 6 June 2022, Civic Centre (Council Meeting Room)

Chair:	Adrian Gasperoni	Manager Assets and Infrastructure
Committee:	Cr Bernie Hearn (Mayor)	Council Representative
	Cr Justin King	Council Representative
	Lisa Atkinson	Victoria Police
	Jessica Bollen	Department of Transport
	Mark Byers	Victoria Police
	Gavin Duncan	Victoria Police
	Karlyne Garr	Victoria Police
	David Gillespie	Victoria Police
	Shaun Hiller	Victoria Police
	Anthea Jennings	Regional Roads Victoria
	Tony Clark	Benalla P-12 College
	Shaun Mason	FCJ College Benalla
	David Morrow	Cooinda Village
	Ian Ridgewell	Regional Roads Victoria
	Stephen Lister	Regional Roads Victoria
	Caitlin Riley	Department of Transport
	John Stafford	Regional Roads Victoria
	Cristy Webb	Regional Roads Victoria
In attendance:	Briana Beggs	Administration Officer
	Fran Gottschling	Victoria Police
	Kerri Croxford	Victoria Police
Apologies:	Councillor Hearn (Mayor), Shaun Mason and Gavin Duncan, Mark Byers, Karlyne Garr, David Gillespie, Shaun Hillier, Shaun Mason, David Morrow, Ian Ridgewell, Stephen Lister and Caitlin Riley	

Conflicts of Interest disclosed: Nil

Items discussed:

1. Inland Rail Project Update
2. Review of Action Sheet
3. Project Updates
4. Child Safety working Group
5. Opportunities to Work Together / General Business

Benalla Festival Advisory Committee

4.30pm Wednesday 8 June 2022, Customer Service Centre (Geoff Oliver Meeting Room)

Chair:	Councillor Don Firth	Council Representative
Committee:	Councillor Justin King	Council Representative
	Caroll Bolitho	Community Representative
	Vince Branigan	Community Representative
	Di Harper	Community Representative
In attendance:	Sharon Geer	Events Coordinator
	Kirsten Hein	Administration Officer

Apologies: Councillor Justin King

Conflicts of Interest disclosed: Nil

Items discussed:

1. Planning for the 2022 Benalla Festival
2. Marketing and Promotion
3. General Business

Assembly of Councillors – Business Review

5.30pm Wednesday 8 June 2022, Civic Centre (Council Meeting Room)

Chair Councillor Bernie Hearn (Mayor)

Councillors Councillor Danny Claridge
Councillor Peter Davis
Councillor Don Firth
Councillor Punarji Hewa Gunaratne
Councillor Justin King
Councillor Gail O'Brien

In attendance Dom Testoni Chief Executive Officer
Robert Barber General Manager Corporate
Cathy Fitzpatrick Manager Finance
Adrian Gasperoni Manager Assets and Infrastructure

Apologies: Councillor Punarji Hewa Gunarante and Councillor Justin King.

Conflicts of Interest disclosed: Nil

Items discussed:

1. Presentation: 2022 Valuations Outcomes
2. Presentation: Lochard Energy
3. Proposed *2022/23 Budget* – Consideration of Submissions
4. Draft *Benalla Rural City Council Financial Plan 2023 to 2032* – Consideration of Submissions
5. Benalla Festival Advisory Committee Nominations
6. Benalla Australia Day Advisory Committee Nominations
7. *Financial Hardship Policy*
8. *Investment Policy*
9. *Procurement Policy*
10. *Waste Services Policy*
11. Benalla Performing Art and Convention Centre Update
12. Benalla Art Gallery Trust

Accessibility Reference Group

10.30am Tuesday 14 June 2022, Waminda House 19 Ballintine Street, Benalla

Chair:	Sheryle Stubbs	Community Representative
Committee:	Councillor Bernie Hearn (Mayor)	Council Representative
	Councillor Don Firth	Council Representative
	Councillor Gail O'Brien	Council Representative
	Annemarie Broughton	Community Representative
	Barbara Alexander AO	Community Representative
	Cheryl-Anne Menere	Community Representative
	David Horan	Community Representative
	Gillian Lindsay	Community Representative
	Graeme Brennan	Yooralla Manager
	Joan Vance	Community Representative
	Keith Menere	Community Representative
	Lena Anderson	Infinity Coordination
	Madison Cooper	Community Representative
	Naylan McDonell	CoAbility
In attendance:	Tom Arnold	Community Development Coordinator
Apologies:	Nil	
Conflicts of Interest disclosed:	Nil	

Items discussed:

1. Business Arising
2. Mural, Splash Park and Foreshore Accessibility Update
3. Charging Points for Mobility Scooters at Benalla Senior Citizens Centre
4. Advocacy and Blue Book Issues
5. Future Speakers Wish List
6. Community Connect – Open Forum Other Business

Officer Reports

9.1 Authorisation of Signing and Sealing of Documents

This page intentionally left blank

9.2 Benalla Art Gallery Acquisition Trust Fund

SF/1957

Dom Testoni – Chief Executive Officer

PURPOSE OF REPORT

The report presents for consideration the proposed reforms to the Benalla Art Gallery Acquisition Trust Fund.

BACKGROUND

Benalla Art Gallery Acquisition Trust Fund (Trust) was established by the Council on the 14 July 1986 and is an ancillary fund Division 30 of the *Income Tax Assessment Act 1997*(Cth).

DISCUSSION

The reforms to the Trust are to expand the purposes for which the Trust can raise money in connection with Benalla Art Gallery.

To bring the Trust into compliance with the laws that apply to ancillary funds the Trust will require a name change to the Benalla Art Gallery Foundation.

The compliance changes include appointing a company to act as the trustee of the Trust. The company will be a not-for-profit company established by the current trustees of the Trust who will be the directors of the company and will be called Benalla Art Gallery Foundation Limited.

COUNCIL PLAN 2021-2025

Community

- *A connected, involved and inclusive community.*

Leadership

- *Good governance.*
- *High performance culture.*
- *Engaged and informed community.*
- *Effective and responsive advocacy.*

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, it is proposed that, due to administrative nature of the Trust, that community engagement be undertaken at the 'Inform' level under the International Association for Public Participation's IAP2 public participation spectrum as detailed in the table below:

Level of Public Participation	Promise to the community	Techniques to be used
Inform	We will provide information	Trust reforms presented in a public report to the Council.

FINANCIAL IMPLICATIONS

There are no financial implications to the Council as the Trust administers its own financial records and required reporting.

LEGISLATIVE AND STATUTORY IMPLICATIONS

It is considered that the report is consistent with the *Charter of Human Rights and Responsibilities Act 2006* and *Gender Equality Act 2020*.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

That the reforms proposed for the Benalla Art Gallery Acquisition Trust Fund be approved and that each Councillor and the Chief Executive Officer be authorised to execute all documents necessary to amend the Trust's governing rules and to appoint a new trustee to the Trust.

9.3 Mayor and Councillors' Attendance at Committees and Civic Functions

SF/808-07

Tracey Beaton - Executive Coordinator

The Mayor and Councillors, listed in alphabetical order, attended meetings and events as detailed below during the period from 20 June 2022 to 24 July 2022.

Councillor Danny Claridge	
20 – 21 June	Australian Local Government Association - National General Assembly
20 June	Australian Rail Track Corporation (ARTC) Inland Rail Breakfast
22 June	Planning and Development Committee Meeting
24 June	MAV State Council Meeting
29 June	Councillor Only Forum
	Council Meeting
30 June	Devenish Community Meeting
1 July	Denny Street Courtyard Project Community Consultation
2 July	Denny Street Courtyard Project Community Consultation
2 July	Aged and Disability Services Staff Function
4 July	NAIDOC Celebration Flag Raising Ceremony
6 July	The Change Agent Network Workshop
11 July	Storytowns Podcast Interview
13 July	Assembly of Councillors – Business Review
14 July	Aged and Disability Services Volunteer Celebration
19 July	Benalla Family Research Group Meeting
20 July	Opening of the Benalla Men's Shed

Councillor Peter Davis	
22 June	Planning and Development Committee Meeting
29 June	Councillor Only Forum
	Council Meeting
4 July	NAIDOC Celebration Flag Raising Ceremony
6 July	The Change Agent Network Workshop
8 July	Benalla Art Gallery Trust Workshop on Engagement and Fundraising
9 July	Celebrate the Exhibition of the Ledger Collection – Benalla Art Gallery
13 July	Assembly of Councillors – Business Review

Councillor Don Firth	
20 – 21 June	Australian Local Government Association – National General Assembly
20 June	Australian Rail Track Corporation (ARTC) Inland Rail Breakfast
22 June	Planning and Development Committee Meeting
23 June	Opening of the Benalla Community Services Hub
28 June	Benalla Festival Meeting
29 June	Councillor Only Forum
	Council Meeting
30 June	Devenish Community Meeting
1 July	Denny Street Courtyard Project Community Consultation
4 July	NAIDOC Celebration Flag Raising Ceremony
6 July	The Change Agent Network Workshop
13 July	Assembly of Councillors – Business Review
14 July	Aged and Disability Services Volunteer Celebration
20 July	Opening of the Benalla Men's Shed
	Benalla Festival Advisory Committee Meeting
21 July	Benalla Airshow Meeting

Councillor Punarji Hewa Gunaratne	
22 June	Planning and Development Committee Meeting
29 June	Council Meeting
1 July	Denny Street Courtyard Project Community Consultation
4 July	NAIDOC Celebration Flag Raising Ceremony
6 July	The Change Agent Network Workshop
13 July	Assembly of Councillors – Business Review
19 July	Churchill Reserve Annual General Meeting
20 July	Opening of the Benalla Men's Shed
21 July	MAV Community Leadership Training
24 July	Lions Junior Public Speaking Club Final

Mayor Councillor Bernie Hearn	
20 – 21 June	Australian Local Government Association - National General Assembly
20 June	Australian Local Government Women's Association Breakfast
22 June	Planning and Development Committee Meeting
24 June	MAV State Council Meeting
29 June	Councillor Only Forum
	Council Meeting
30 June	Devenish Community Meeting
1 July	Denny Street Courtyard Project Community Consultation
	Launch of exhibition by Archibald Prize winner Peter Wegner – Benalla Art Gallery
2 July	Denny Street Courtyard Project Community Consultation
2 July	Aged and Disability Services Staff Function
4 July	NAIDOC Celebration Flag Raising Ceremony
6 July	The Change Agent Network Workshop
	Visit to the Aboriginal Garden with Tomorrow Today
13 July	Assembly of Councillors – Business Review
14 July	Aged and Disability Services Volunteer Celebration
	Rotary Dinner
15 July	Indi Local Government Area Roundtable Meeting
20 July	Opening of the Benalla Men's Shed
21 July	Guest Speaker at the Benalla Rose City Probus Club
	Rotary Changeover Dinner

Councillor Justin King	
29 June	Councillor Only Forum
	Council Meeting
30 June	Devenish Community Meeting
6 July	The Change Agent Network Workshop
13 July	Assembly of Councillors – Business Review
14 July	Aged and Disability Services Volunteer Celebration
	Benalla Showgrounds Committee of Management Meeting
20 July	Opening of the Benalla Men's Shed
	Benalla Festival Advisory Committee Meeting

Councillor Gail O'Brien	
22 June	Planning and Development Committee Meeting
23 June	Opening of the Benalla Community Services Hub
29 June	Councillor Only Forum
	Council Meeting
30 June	Devenish Community Meeting
4 July	NAIDOC Celebration Flag Raising Ceremony
6 July	The Change Agent Network Workshop
9 July	Celebrate the Exhibition of the Ledger Collection – Benalla Art Gallery
13 July	Assembly of Councillors – Business Review
	Live4Life Benalla Partnership Meeting
14 July	Aged and Disability Services Volunteer Celebration
20 July	Opening of the Benalla Men's Shed

Recommendation:**That the report be noted.**

9.4 Council Actions Pending

Council Actions Pending are detailed in **Appendix 1**.

Recommendation:

That the report be noted.

This page intentionally left blank

Council Actions Pending From The Cycle Of Meetings Ended 3 August 2022

Action No.	Meeting Name	Item	Action	Officer	Status/notes
1.	P&D Committee 27-Jul-22	7	Draft <i>Regulatory Compliance and Enforcement Policy</i> Review 1. That <i>Regulatory Compliance and Enforcement Policy</i> be adopted. 2. That <i>Regulatory Compliance and Enforcement Policy</i> be reviewed in November 2026.	MD	1. Completed
2.	P&D Committee 27-Jul-22	6	Draft <i>Waste Services Policy</i> Review – Hearing of Submissions That submissions be received.	MAI	Completed

Action No.	Meeting Name	Item	Action	Officer	Status/notes
3.	P&D Committee 27-Jul-22	4	<p>Amendment To Planning Application P0102/19 For A Solar Farm and Removal of Native Vegetation – 379 Goorambat-Chesney Road, Goorambat</p> <p>That the Council grant a Notice of Decision to Amend Planning Permit No. P0102/19 as follows:</p> <p>39. Prior to the commencement of buildings and works a landscape screening plan which provides for landscaping or other treatments to reduce the visual impact of the solar farm to the surrounds must be submitted to and approved by the responsible authority. When endorsed the Landscape Screening Plan will form part of this permit.</p> <p>The Landscaping Screening Plan must include:</p> <ul style="list-style-type: none"> a) The type of landscaping treatments to be proposed. b) A timetable for establishing and maintaining the landscaping. c) An increase in the width of vegetation screening around the perimeter of the site from 5 metres to 10 metres. d) The screen planting around the perimeter of the site must be completed prior to construction during a period with acceptable ground conditions as determined by a qualified landscaper. e) Planted seedlings must be forestry – or hyko – style seedlings and when matured must reach approximately 3 metres or higher. f) A watering regime. g) A ‘tree replacement’ plan whereby any deceased seedling must be identified within three months, then either replaced prior to October within the year of planting or during the next planting season, whichever can be achieved first. h) Weed management. i) Native shrubs that will reach a height of 1 – 1.5 metres when matured. <p>The endorsed landscape screening plan must not be altered or modified without the written consent of the responsible authority.</p>		Completed

Action No.	Meeting Name	Item	Action	Officer	Status/notes
4.	F&O Committee 27-Jul-22	5	Benalla Rural City Council Governance Rules 2020 Update 1. That the revised <i>Governance Rules 2020</i> be endorsed for public exhibition. 2. That the revised <i>Governance Rules 2020</i> be considered for adoption at the Council Meeting on Wednesday 31 August 2022.	GMC	1. In progress
5.	F&O Committee 27-Jul-22	3	2022/2023 Community Sponsorship Program That \$500 grants from the 2022/2023 Community Sponsorship Program be allocated to Tomorrow Today Education Foundation, Benalla All Blacks Football Netball Club, Better Benalla Rail Inc. and Swanpool Community Cinema.	MC	Completed
6.	F&O Committee 27-Jul-22	2	Presentation: Benalla Centrelink Campaign 1. That the Council reach out to Centrelink to send a representative to present to the Council. 2. That the Council continue to advocate to the Federal Government for the re-opening of the Benalla Centrelink and National Disability Insurance Agency (NDIA) offices.	CEO	1. In progress 2. Ongoing
7.	Council Meeting 29-Jun-22	9.6	Roadside Fatality Memorial Guidelines Policy Review 1. That submissions be noted. 2. That the Roadside Fatality Memorial Guidelines Policy be adopted. 3. That the Roadside Fatality Memorial Guidelines Policy be reviewed in July 2026.	MAI	1. Completed 2. Completed
8.	Council Meeting 29-Jun-22	9.5	Commemorative Memorial Guidelines Policy Review 1. That the submission be noted. 2. That the Commemorative Memorial Guidelines Policy be adopted. 3. That the Commemorative Memorial Guidelines Policy be reviewed in July 2026.	MAI	1. Completed 2. Completed

Action No.	Meeting Name	Item	Action	Officer	Status/notes
9.	Council Meeting 29-Jun-22	9.4	<i>Facility Hire Subsidy Program Policy Review</i> 1. That submissions be noted. 2. That the <i>Facility Hire Subsidy Program Policy</i> be adopted. 3. That the <i>Facility Hire Subsidy Program Policy</i> be reviewed in August 2026.	MFIT	1. Completed 2. Completed
10.	Council Meeting 29-Jun-22	9.3	<i>Benalla Rural City Council Financial Plan 2023 to 2032</i> That the Benalla Rural City Council Financial Plan 2023 to 2032 be adopted.	MF	Completed

11.	Council Meeting 29-Jun-22	9.2	<p>Benalla Rural City Council 2022/23 Budget</p> <p>1. Adoption of the <i>2022/23 Budget</i></p> <p>That the Council:</p> <ul style="list-style-type: none"> ▪ having considered the results of the community engagement undertaken by Council, the <i>2022/2023 Budget</i> presented to this meeting be adopted by Council in accordance with section 94 of the <i>Local Government Act 2020</i>. ▪ note the <i>2022/23 Budget</i> also incorporates a Budget for the 2023/2024, 2024/2025 and 2025/2026 Financial Years. <p>2. Fees and Charges</p> <ul style="list-style-type: none"> ▪ That each of the fees, charges and penalties referred to in the Schedule of Fees of Charges (the Schedule) contained in the Budget be fixed in the respective amounts specified in the Schedule. <p>3. Declaration of Rates and Charges</p> <p>Amount Intended to be Raised:</p> <p>An amount of \$20,226,000 (or such greater amount as is lawfully levied as a consequence of this Recommendation being adopted) be declared as the amount which Council intends to raise by general rates, the municipal charge and the annual service charge (described later in this Recommendation), which amount is calculated as follows:</p> <p>General Rates \$14,176,000</p> <p>Municipal Charge \$2,054,000</p> <p>Annual Service Charge \$3,996,000</p> <p>4. General Rates</p> <p>That the Council declare a general rate in respect of the 2022/2023 Financial Year.</p> <p>That the Council further declared that the general rate be raised by the application of differential rates.</p> <p>That the differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared.</p>	MF	Completed
-----	------------------------------	-----	--	----	-----------

			<p>5. Municipal Charge</p> <p>That the Council declare a Municipal Charge in respect of the 2022/2023 Financial Year.</p> <p>That the Municipal Charge be declared to cover some of the Council's administrative costs.</p> <p>That the Municipal Charge be in an amount of \$260.85 for each rateable property within the municipal district.</p> <p>6. Annual Service Charge</p> <p>That the Council declare an annual service charge in respect of the 2022/2023 Financial Year.</p> <p>That the annual service charge be declared for the collection and disposal of refuse, and be levied in respect of all rateable land within the municipal district.</p> <p>7. Incentive</p> <p>That no incentive be declared for the early payment of the general rates, Municipal Charge or annual service charge previously declared.</p> <p>8. Extra Instalment Options</p> <p>That the Council may, in addition to payment quarterly on the dates specified in section 167 of the <i>Local Government Act 1989</i>, by further Resolution, specify other options as to the manner in which the general rates, Municipal Charge and annual service charge may be paid.</p> <p>9. Consequential</p> <p>9.1 That it be recorded that the Council requires any person to pay interest on any amounts of rates and charges which:</p> <p>9.1.1 that person is liable to pay; and</p> <p>9.1.2 have not been paid by the date specified for their payment, such interest to be calculated in accordance with section 172(2) of the <i>Local Government Act 1989</i>.</p> <p>9.2 That the General Manager Corporate be authorised to levy and recover the general rates, municipal charge and annual service charge in accordance with the <i>Local Government Act 1989</i> and <i>Local Government Act 2020</i>.</p>		
--	--	--	--	--	--

Action No.	Meeting Name	Item	Action	Officer	Status/notes
			<p>10. That all submitters on the proposed <i>2022/23 Budget</i> be written to thanking them for their submission and advising of the Council's decision to adopt the <i>2022/23 Budget</i>.</p> <p>11. That the Chief Executive Officer be authorised to effect minor administrative and wording changes to the <i>2022/23 Budget</i> if required.</p>		
12.	P&D Committee 22-Jun-22	6.	<p>Draft Waste Services Policy</p> <p>That the Planning and Development Committee, acting under its delegated authority of the Council, resolve:</p> <ol style="list-style-type: none"> 1. That the draft <i>Waste Services Policy</i> be endorsed for public exhibition for a period of at least 28 days. 2. That the draft Waste Services Policy community consultation program seek feedback on fortnightly refuse collection in rural areas. 	MAI	<ol style="list-style-type: none"> 1. Completed 2. Completed
13.	P&D Committee 22-Jun-22	3.	<p>Petition: Declare Churchill Reserve an Off-leash Area</p> <ol style="list-style-type: none"> 1. That the report be noted. 2. That the option of a designated fenced dogs-off-leash area within or in proximity of Churchill Reserve be investigated and reported back to the Council. 	MD	<ol style="list-style-type: none"> 1. Completed 2. In progress
14.	F&O Committee 15-Jun-22	9.	<p>Financial Hardship Policy Review</p> <ol style="list-style-type: none"> 1. That the <i>Financial Hardship Policy</i> be adopted. 2. That the <i>Financial Hardship Policy</i> be reviewed once the <i>Local Government legislation Amendment (Rating Reform and Other Matters) Bill 2022</i> becomes legislation. 	MF	<ol style="list-style-type: none"> 1. Completed

Action No.	Meeting Name	Item	Action	Officer	Status/notes
17.	Council Meeting 10-Feb-21	11.2	<p>Notice of Motion: Hosting of a community and sporting group summit to understand the impact of COVID-19</p> <ol style="list-style-type: none"> 1. That the Council invite representatives from sporting and community clubs to participate in "round table" discussions to identify the challenges faced during the COVID-19 Pandemic with the intent to better understand the impact of the pandemic with a specific focus on: <ul style="list-style-type: none"> ▪ Financial impact ▪ Participation rate impact (members/volunteers) ▪ Social impact 2. That "round table" (or alternative 'one on one') discussions be facilitated in accordance with COVID-19 requirements by the Waste and Recreation Coordinator, Community Development Coordinator and Volunteer Development Coordinator in the normal cycle of interactions (i.e. Committee of Management meetings) across 3 months. Options of MS Teams and Zoom can be offered as a second means of facilitating discussions if required. 3. That the Council use the Summit as an exercise to collect information. 4. That the Council draft the information collected in a document that captures the impact of COVID-19 on sporting clubs and community groups within our community. 5. That the report be developed and presented to the Council for adoption and be provided to Federal and State members for consideration. 	CEO	In progress.

Action No.	Meeting Name	Item	Action	Officer	Status/notes
18.	Council Meeting 10-Feb-21	11.1	<p>Notice of Motion: Seeking development of COVID-19 Support Initiatives</p> <p>That the Council develop COVID-19 Support Initiatives (BCSI) that provide advice and support to the Benalla community through 2021/22.</p> <ol style="list-style-type: none"> 1. That the Council develop a community 2021/22 BCSI document (directory) that provides current advice and information relating to COVID-19 supports, including local providers and agencies, Government Departments and sectors from across the state. 2. That the Council undertake a review to consider local supports for the Benalla community as part of the BCSI. 3. That the Council consider the adoption of the final BCSI document upon its completion and the review be considered during the council budget process 2021/22. 	CEO	In progress.

10. Reports by Councillors

Recommendation:

That the report(s) be noted.

11. Notices of Motion

12. Notices of Rescission Motion

13. Urgent Business

Business can only be admitted as urgent business by resolution of the council, and only then if it:

- relates to or arises out of a matter which has arisen since distribution of the agenda; and
- cannot be deferred until the next Council Meeting without having a negative impact on the Council, the municipality or the local community; and
- cannot be addressed through the Customer Request Management System.

A Councillor proposing that a matter be admitted as urgent business must lodge it in writing with the Chief Executive Officer by 4pm on the day of the meeting.

The Chief Executive Officer will advise the Mayor of any matter that the Chief Executive Officer determines appropriate for the Council to consider admitting as urgent business.

This page intentionally left blank

14. Confidential Business

It is proposed that the following items be considered in confidential business pursuant to the *Local Government Act 2020* as they contain personal information that would result in the unreasonable disclosure of information about a person or their personal affairs if released:

- 14.1 Recommendations from the CEO Employment and Remuneration Committee
- 14.2 Confidential Reports by Councillors
- 14.3 Confidential Council Actions Pending

Recommendation:

That the meeting be closed to the public for the consideration of the confidential business item noted above pursuant to Sections 3(1) and Section 66(2)(a) of the *Local Government Act 2020*.

This page intentionally left blank

15. Reopening of the meeting to the public

Recommendation:

That the meeting be reopened to the public.

16. Closure of the meeting